STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)			
CRAIG CARLSON,)			
Complainant, and SAM'S WEST, INC., Respondent.))))))	CHARGE NO(S): EEOC NO(S): ALS NO(S):		
	NOTICE		·	
	NOTICE			
You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.				
STATE OF ILLINOIS HUMAN RIGHTS COMMISSION)	Entered this 1 ^s	st day of April 2011	
		KEITH CHAMBERS ECUTIVE DIRECTOR		

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)
CRAIG CARLSON,))) ALC NO. 07.246
Complainant,) ALS NO. 07-246) CHARGE NO. 2006CA0535
AND	}
SAM'S WEST, INC.,	}
Respondent.	}

RECOMMENDED ORDER AND DECISION

This matter is before me on Respondent Sam's West, Inc.'s *Motion to Dismiss* filed with the Commission on August 21, 2007. Although Complainant Craig Carlson was properly served with that motion and was ordered to file a response, as of the date of this Recommended Order and Decision, no response has been filed. For the reasons set forth below, it is recommended that Respondent's motion be granted.

FINDINGS OF FACT

- On April 3, 2007, the Illinois Department of Human Rights filed a Complaint of Civil Rights Violation on behalf of Complainant, Craig Carlson.
- The parties were ordered to appear for an initial status hearing at the Commission on June 6, 2007 at 11:00 a.m.
- On that date, Respondent appeared through counsel and Complainant Carlson failed to appear. An order was entered continuing the matter to August 8, 2007 at 10:00
 a.m. Complainant was properly served with that order on June 8, 2007.

- 4. On August 8, 2007, Respondent appeared through counsel and Complainant again failed to appear. On that date an order was entered, continuing the matter to September 5, 2007 at 10:00 a.m. and Respondent was granted leave to file a motion to dismiss. Complainant was properly served with that order on August 14, 2007.
- On August 21, 2007, Respondent filed its motion to dismiss with the Commission.
- Complainant was properly served with Respondent's motion to dismiss on August 21, 2007.
- 7. On September 5, 2007, Respondent appeared and Complainant again failed to appear.
- As of the date of this Recommended Order and Decision, Complainant has not filed a response to Respondent's motion to dismiss.

CONCLUSIONS OF LAW

- Complainant's failure to appear at three (3) scheduled status hearings and his failure
 to respond to Respondent's motion to dismiss has unreasonably delayed the
 proceedings in this matter.
- In light of Complainant's apparent abandonment of his claim, this matter should be dismissed with prejudice.

DISCUSSION

Complainant Carlson has taken absolutely no action to prosecute this matter since the year 2007. Although ordered to appear on June 6th, 2007, August 8th, 2007 and September 5th, 2007, Complainant Carlson, without explanation, failed to appear at the Commission for the scheduled status hearings on those dates. In addition, Complainant has failed to file a response to Respondent's motion to dismiss which has been pending since August of 2007. For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result of the abandonment of his claim before the Commission, it is most appropriate to dismiss the

Complaint to Civil Rights Violation with prejudice. Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992.

RECOMMENDATION

Based on the foregoing, it appears that Complainant has abandoned his claim before the Commission. Accordingly, it is recommended that the *Complaint of Civil Rights Violation*, ALS No. 07-246, and the underlying charge, No. 2006CA0535, be dismissed with prejudice.

DATE: MAY 26TH, 2010 HUMAN RIGHTS COMMISSION

MARIETTE LINDT ADMINISTRATIVE LAW JUDGE ADMINISTRATIVE LAW SECTION